

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:10cv10**

<b>UNITED COMMUNITY BANK,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>CHARLES D. McCARTHY; JENNIFER</b>	)	
<b>OBIORA; and VICTORIA G.</b>	)	
<b>SCHMEHL,</b>	)	
	)	
<b>Respondents.</b>	)	
_____	)	

**THIS MATTER** is before the court on petitioner's Motion for Summary Judgment as to respondent Jennifer Obiora. After such motion was filed, petitioner filed a Motion for Entry of Default, which was timely and properly granted by the Clerk of this Court inasmuch as such respondent had failed to respond to the petition. Default having been entered and a default judgment having been applied for, the court will deny the Motion for Summary Judgment without prejudice as moot.

**ORDER**

**IT IS, THEREFORE, ORDERED** that petitioner's Motion for Summary Judgment (#4) is **DENIED** without prejudice as moot.

Signed: April 20, 2010

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

